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Letter dated 25 February 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 19 October 2004 (S/2004/853). The Counter-Terrorism Committee has received the attached fourth report from Jordan submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 7 February 2005 from the Permanent Representative of Jordan to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

With reference to your letter dated 20 September 2004, I have the honour to forward to you Jordan's fourth report pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Zeid Ra'ad Zeid **Al-Hussein**
Ambassador
Permanent Representative

Enclosure

[Original: Arabic]

The Government of the Hashemite Kingdom of Jordan takes this opportunity to express its appreciation for the effective role played by the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (the Committee) and for the ongoing development in the approach and work of the Committee. Affirming its commitment to the principles and purposes of the Charter of the United Nations and the relevant Security Council resolutions on counter-terrorism, as well as its commitment to implementing those resolutions at the national level, it presents below the reply to the questions of the Committee contained in its note No. S/AC.40/2004/MS/OC.428 dated 20 September 2004 in response to the letter dated 3 December 2003 from the Permanent Representative of Jordan to the United Nations addressed to the Chairman of the Committee (S/2003/1172) and enclosing the third report of Jordan, submitted in accordance with paragraph 6 of the resolution.

1. Criminalization of terrorist financing

1.1 Articles 147 to 149 of the Jordanian Penal Code No. 16 of 1960, as amended pursuant to the provisional Act No. 54 of 2001, published on page 4467 of the Official Gazette No. 4510 dated 8 October 2001, provide amply for the criminalization of terrorist acts, including the financing of such acts and conspiracy to perpetrate them, in conformity with the resolution, which was adopted after the events of 11 September 2001. Article 147, paragraph 1, states that terrorism means "the use of violence or threat of violence, regardless of its motives or purposes, to carry out an individual or collective act aimed at disturbing public order or endangering public safety and security where such is liable to spread alarm or terror among the public or jeopardize their lives and security or cause damage to the environment, public facilities or property, private property, international facilities or diplomatic missions, or where it is aimed at occupying or taking over such premises, endangering national resources or obstructing application of the provisions of the Constitution and laws." Under paragraph 2, any act relating to any banking transaction connected with terrorist activity (including the financing of terrorism) is deemed to be a terrorist act and the Prosecutor General, acting in coordination and cooperation with the Central Bank and any relevant domestic or international party, is vested with broad powers to make a preventive seizure of the suspect funds, confiscate such funds, conduct investigations and refer the case to the competent court if it is established that the transaction in question is connected with a terrorist activity. Article 148 and 149 list the penalties to be imposed in the event of perpetration of any of the acts for which provision is made. These are deterrent penalties that take into account the serious nature of such offences in that they range between hard labour for a period of not less than five years and the death penalty. In this regard, it is also worth noting that, under article 162 of the Penal Code, any person who gives donations, contributions or aid to an illegal association or who collects donations, contributions or aid on account of such associations is imprisoned for a term of up to six months.

Affirming its efforts to combat all forms of terrorism at both the national and international levels, the Government of the Hashemite Kingdom of Jordan ratified the Arab Convention for the Suppression of Terrorism of 1998 pursuant to the Arab Convention for the

Suppression of Terrorism (Ratification) Act No. 11 of 1998, published on page 3711 of the Official Gazette No. 4304 dated 1 October 1999.

As for the International Convention for the Suppression of the Financing of Terrorism of 1999, it was signed by the Government of the Hashemite Kingdom of Jordan on 23 September 2001 and ratified on 28 August 2003 pursuant to the International Convention for the Suppression of the Financing of Terrorism (Ratification) Act (the provisional Act No. 83 of 2003), published on page 3378 of the Official Gazette No. 4606 dated 16 June 2003, since under article 94, paragraph 1, of the Jordanian Constitution of 1952, the Council of Ministers may, with the approval of the King and when the National Assembly is not sitting or is dissolved, put in place provisional laws concerning matters on which steps must be taken without delay. Such provisional laws, which must not contravene the provisions of the Constitution, have force of law and become an integral part of the domestic legislation. They must be presented to the National Assembly at its first convened meeting thereafter in order for them to be approved, amended or rejected. The provisional Act has been considered by the Legal Committee of the National Assembly and will be presented to the Assembly for approval when it next convenes.

1.2 In regard to the draft act on the suppression of money-laundering (No. ..... of 2003), the Bureau of Legislation of the Office of the Prime Minister (the executive body competent to study draft laws) has already completed its consideration of this draft. Having been approved by the Ministerial Committee for Legal Affairs, the draft was presented to the Prime Minister and submitted to the Council of Ministers for a decision. It is hoped that such decision on the matter will be reached in the very near future.

1.3 In regard to the Committee's question about the number of suspicious transaction reports (STRs) received, analyzed and disseminated by the Supervision Department of Jordan's Central Bank and the number of those that resulted in investigations, prosecutions or convictions, there is nothing which explicitly states that States are required to submit STRs received by banking supervision departments or STRs which have been analysed or which resulted in investigations, prosecutions or convictions. Paragraph 3.4 of the guidance note from the Chairman of the Committee on the submission of reports implies that States are not bound to supply information in respect of ongoing investigations or judicial processes if to do so would prejudice the proper conduct of an investigation or judicial process. Such reports may therefore be provided to the Committee on a confidential basis for examination by its members only, bearing in mind the Committee's intention to circulate the present report as a document of the Security Council, as in the case of previous reports. As for the steps which Jordan intends to take in order to establish a fully fledged financial intelligence unit, article 9, paragraph 1, of the draft act on the suppression of money-laundering provides for the creation of an autonomous unit that will have its main office in the Central Bank and go by the name of the Anti-Money-Laundering Unit. Under subparagraph 2 (a) of the same article, the unit is to be vested with, *inter alia*, the authority to receive and analyse reports and information on any suspected money-laundering operations. It should be said that the creation of this unit is contingent on the approval of the draft act on the suppression of money-laundering.

1.4 In regard to the resources (human, financial and technical) available to the Supervision Department of the Central Bank for the purpose of enabling it to carry out its mandate, a division for the follow-up of suspect financial operations has been established in the Supervision Department. In addition to the Department's inspectors, the employees in this

division (of whom there are 46), carry out inspections and ascertain that the laws and directives on the suppression of money-laundering and the financing of terrorism are being applied. In this connection, 22 of the employees from this division have been sent on training courses both at home and abroad.

1.5 The Central Bank has no mandate to supervise charitable and religious associations and has no role in supervising the use and transfer of their private resources, except within the limits of its mandate to monitor inward and outward remittance transactions. By way of effective and rigorous mechanisms, however, the Charitable Associations and Social Organizations Act No. 33 of 1966 guarantees that there shall be no transfer of financial resources obtained by charitable, religious and other associations for purposes other than those prescribed. Under article 6, subparagraphs 1 (g) to (j), any charitable association, social organization or federation, on submitting its application for registration to the Ministry, is required to attach thereto its statute, which must include details of how its financial affairs are supervised and administered and of how its assets are disposed of on its dissolution. Under article 14 of this Act, the competent minister or such employee as he may delegate has the right to visit any charitable association, social organization or federation and establish by way of its records and papers that its assets are being administered for their intended purposes. Under article 15, subparagraph 1 (e), every association is required to maintain organized records at its main offices and branches. Such records include detailed accounts of receipts and outgoings. Under paragraph 3 of the same article, every association is required to submit to the Minister an annual report providing a statement of its activities, the overall amounts spent on achieving its aims, the sources of its receipts and any other requested information. Under paragraph 4, every association must have a legal auditor of accounts. In addition, under article 16, subparagraphs 1 (c), (d) and (e), of this Act, the Minister has the right to dissolve any association if he believes that it failed to give officers access to its records and documents for inspection or that it disposed of its assets in a manner other than those specified or that it submitted erroneous information to the competent official authorities.

In addition to the above, article 7 (d) of the Companies Act No. 22 of 1997 concerns the registration procedures for not-for-profit companies; it stipulates the procedures for monitoring such companies, including how they obtain aid and donations, how they are financed, how they disburse and liquidate their funds and how their assets are accrued on liquidation and death, and also stipulates the information to be provided to inspectors in accordance with the provisions of article 283 (a) of the Act and all matters relating thereto, pursuant to special regulations issued for that purpose. As for the Cooperation Act No. 18 of 1997, under which the Jordanian Cooperative Corporation, which oversees the cooperative sector in Jordan, was established, article 4 (b) provides that the Corporation is responsible for providing advice, guidance and technical services to cooperative societies and their members, as well as for following up and monitoring their accounts and certifying their budgets. The Cooperative Association Regulation No. 13 of 1998 prescribes the terms and procedures adopted for the purpose of applying the provisions of the Act. The Collection of Charitable Donations Regulation No. 1 of 1957 also prescribes a set of essential safeguards designed to counter use of the funds of associations and organizations for the financing of terrorism by controlling the process of collecting donations from the outset. Article 8 provides that all donations must be deposited in a bank as soon as the collection process ends (which inevitably means that they pass through bank monitoring channels) and that the relevant ministry must be informed of the deposit. Article 10 of the Regulation also provides that the collection of donations must be related to the aims and purposes for which

the association was established, or, in other words, exclusively for the purposes of charity and the public good. Funds may not be used for a purpose other than that for which they were initially collected (article 11 of the Regulation).

1.6 The reply is given in the context of the questions on effectiveness in the protection of the financial system (1.9 to 1.11).

1.7 With reference to the Committee's question concerning the legal or administrative provisions and procedures that enable Jordanian authorities to freeze funds, financial assets or economic resources in Jordan of persons who commit or attempt to commit terrorist acts outside Jordan, pursuant to a request submitted by another State, under article 147, paragraph 2, of the Jordanian Penal Code, as already mentioned earlier, the Prosecutor General, acting in coordination and cooperation with the Central Bank and any relevant domestic or international party, is vested with broad powers to make a preventive seizure of suspect funds, confiscate such funds, conduct investigations and refer the case to the competent court if it is established that the transaction in question is connected with a terrorist activity. Under article 147, subparagraph 2 (a), the Prosecutor General is authorized to issue a decision to make a preventive seizure of funds suspected of being related to terrorist activity and prohibit their disposal until the procedures to investigate them are complete. Under subparagraph 2 (c) of the same article, the Prosecutor General is authorized to confiscate funds which are under preventive seizure if it is established that an offence has been committed. Similarly, under article 93 of the Banks Act No. 28 of 2000, if the Central Bank is notified by any Jordanian agent bank or any other source that the execution of any banking transaction or the receipt or payment of any sum is, or may be, related to any offence or any illegal act, it is authorized to order the bank concerned to stop execution of the relevant transaction or stop receipt or payment of the relevant sum for a maximum period of 30 days and must so notify the official or judicial authorities. The disclosure of any information by the bank concerned pursuant to the provisions of this article is not regarded as dereliction of the duty of bank secrecy and neither that bank nor the Central Bank assumes any consequential liability.

1.8 In regard to the modalities concerning mutual assistance in criminal matters, particularly the extradition of criminals, the Extradition of Fugitive Criminals Act of 1927, subsequently amended pursuant to Act No. 33 of 1972, was made law and published in the Official Gazette No. 160 of 1 July 1927. Article 7 of the Act establishes the general principle for the extradition of criminals, namely that: "Any fugitive criminal who is a subject of a foreign State and who is found in, or suspected of being in, Transjordan shall be liable to arrest and extradition in the manner stipulated in this Act in the cases where this Act applies to extradition requests submitted by the State concerned, whether he committed the extraditable offence before or after this Act took effect and whether or not the courts in Transjordan are competent to examine that offence." Under the Act, the justice of the peace is authorized to examine requests for the extradition of criminals and is also vested with the powers of the Prosecutor General in regard to investigation, detention, release and verification of the information transmitted with such requests (articles 9 to 12). Under this Act, extradition requests made to the competent Jordanian authorities are deemed admissible only if they come from an Arab or foreign State that is linked to the Kingdom by an international agreement for which the constitutional measures are complete. The Government of the Hashemite Kingdom of Jordan has concluded the following international agreements to that end:

- The Riyadh Arab Agreement on Judicial Cooperation, published in the Official Gazette No. 3329 of 26 July 1985;
- The Agreement of the League of Arab States on the Extradition of Criminals, published in the Official Gazette No. 2075 of 10 February 1968;
- The Agreement on the Enforcement of Judgements among the States of the League of Arab States, published in the Official Gazette No. 1195 of 8 September 1954;
- The Agreement on Legal and Judicial Cooperation with the States of the Gulf Cooperation Council, published in the Official Gazette No. 3643 of 8 January 1989;
- The Agreement on Mutual Assistance in the Extradition of Criminals between the Hashemite Kingdom of Jordan and the Republic of Turkey, published in the Official Gazette No. 2362 of 17 June 1972;
- The Jordanian-Syrian Judicial Agreement, published in the Official Gazette No. 1182 of 23 June 1954;
- The Jordanian-Lebanese Judicial Agreement, published in the Official Gazette No. 1202 of 23 November 1954;
- The Jordanian-Tunisian Judicial Agreement, published in the Official Gazette No. 1828 of 16 March 1965;
- The Jordanian-Egyptian Judicial Agreement, published in the Official Gazette No. 3194 of 16 August 1987;
- The Agreement on Legal and Judicial Cooperation between Jordan and the United Arab Emirates, published in the Official Gazette No. 4423 of 2 April 2000;
- The Agreement on Judicial Cooperation between Jordan and Yemen, published in the Official Gazette No. 478 of 1 March 2001;
- The Jordanian-United States Extradition Treaty, published in the Official Gazette No. 4055 of 16 July 1995.

The provisions relating to foreign criminal judgements are governed by articles 12 and 13 of the Jordanian Penal Code. Article 12 provides that no Jordanian or alien shall be prosecuted in the Kingdom if he has been finally tried abroad and, in the event that he was convicted, if the sentence was enforced against him or extinguished by lapse of time or pardon, with the exception of offences committed in the Kingdom and the felonies provided for in article 9 of the Code, namely felonies or misdemeanours that undermine State security, imitation of the State seal, imitation of coins and the forgery of Jordanian or foreign notes or bank instruments which are in legal circulation or are legal tender in Jordan. Judgements handed down in either of the two above cases do not preclude prosecution in Jordan (article 13, subparagraphs 1 (a) and (b)). Such prosecution is impossible, however, if the foreign court judgement was handed down as a result of official information received from the Jordanian authorities. Any period of sentence which the convicted person may have served as the result of a judgement enforced against him abroad is deducted from his period of sentence in the Kingdom.

Effectiveness in the protection of the financial system

1.9 It has already been mentioned that, in giving effect to the legislation relevant to protection of the financial system, a division for the follow-up of suspect financial operations has been established in the Supervision Department of the Jordanian Central Bank. In addition to the Department's inspectors (of whom there are 46), the employees in this division perform inspection tasks and ascertain that the current laws and directives designed to counter money-laundering operations and the financing of terrorism are applied. Of the employees in this division, 22 have been sent to attend training courses on the subject, both at home and abroad.

Wishing to join in supporting the efforts to combat money-laundering and bearing in mind the variety of money-laundering methods made possible by the rapid technological developments in the world of banking and finance, the Jordanian Central Bank, also concerned for the reputation of the banking machinery at home and abroad, issued the Suppression of Money-Laundering Directive No. 10/2001 on the basis of the provisions of article 99 (b) of the Banks Act, pursuant to which it is vested with the authority to issue such orders as it deems fit for the purpose of implementing the provisions of the Act. It circulated the Directive to all Jordanian agent banks in the Kingdom, to their branches abroad, to subsidiaries of Jordanian banks and to licensed banking companies. This Directive, *inter alia*, gives a definition of money-laundering and formulates a basis for ascertaining the identity of those wishing to open accounts (including charitable societies and the like/paragraph 1.5), the aim being to detect suspicious transactions. It also requires agent and other banks to put in place internal anti-money-laundering measures, including ongoing training programmes for employees, particularly those who handle cash and monitor accounts, in order to improve their ability to identify and deal with money-laundering transactions and patterns. The Directive also emphasizes the need to consult the annexed guidelines, which were produced in order to assist in identifying suspected money-laundering patterns and which banks should use as instruction for their employees on the subject. The Central Bank has played a part in promoting the role of the Kingdom in combating money-laundering operations and the financing of terrorism through participation in regional, Arab and international agreements and conferences, in which regard it should be mentioned that, on 14 October 2004, Jordan became a member of the Middle East and North Africa Financial Action Task Force (MENAFATF), the purpose of which is to combat money-laundering operations and the financing of terrorism.

It is also worth mentioning that law enforcement officers and judges were sent by the Jordanian Judicial Institute to attend training programmés and courses held on this subject, both at home and abroad, for investigative, prosecutorial and judicial authorities.

1.10 The reply has already been given in 1.2 (measures adopted in regard to the draft act on the suppression of money-laundering).

1.11 The Supervision Department of the Central Bank is the body empowered to receive reports of suspicious transactions in Jordanian banks. As already mentioned above, under article 93 of the Banks Act, if the Central Bank is notified by any Jordanian agent bank or any other source that the execution of any banking transaction or that the receipt or payment of any sum is, or may be, related to any offence or any illegal act (including bank transactions relating to a terrorist act), it is authorized to order the bank concerned to stop execution of the relevant transaction or stop receipt or payment of the relevant sum for a maximum period

of 30 days and must so notify the official or judicial authorities. As stated earlier, under article 147, paragraph 2, of the Penal Code, the Prosecutor General, acting in coordination and cooperation with the Central Bank, is vested with broad powers, including that of referring the case to the competent court. Moreover, following approval of the draft act on the suppression of money-laundering, another separate unit is to be formed to combat suspicious financial operations relating to money-laundering. To be known as the Anti-Money-Laundering Unit, it will be competent to receive and analyse reports and information on any suspected money-laundering operation. In addition, the Suppression of Money-Laundering Directive No. 10/2001 and the annexed guidelines define the criteria and principles to be followed by employees for detecting a suspicious transaction. Each bank puts in place internal measures comprising the steps to be followed by employees in cases where a money-laundering operation is suspected, steps which must necessarily be consistent with the Directive and guidelines.

Effectiveness of customs, immigration and border control

1.12 In regard to the procedures for controlling the cross-border movement of cash, negotiable instruments, precious stones and metals, as far as entry control procedures are concerned, there are no restrictions under the provisions of the Import and Export Act No. 21 of 2001 and the import directives in force accordingly. Article 3 (a) of the Act stipulates that it is permitted to import any goods to the Kingdom without restriction, on condition of compliance with all formal procedures. As for exit, the rule is that it is permitted to export or re-export any goods from the Kingdom without restriction (article 3 (b)), with the exception of precious metals, including gold and silver bullion, which require pre-authorization from the Jordanian Central Bank before export. Concerning the control of transit goods, in accordance with the provisions of article 93 of the Customs Act No. 20 of 1998, such goods are not subject to any restriction or ban unless otherwise stipulated by the laws and regulations in force. The Customs Department is bound by such directives as are issued by the competent official departments in the event that a decision is adopted concerning a ban, restriction or pre-authorization requirement. As for customs control in the sense of risk management, precious stones and metals are targeted within the red channel in all computerized customs posts at which such shipments arrive. Potential tariff items of the types mentioned are taken into account when drawing up the criteria for computerized selection, in addition to which they must comply with the requirements and agreements of other official departments, as necessary.

1.13 In regard to Jordan's legislative provisions regarding the granting of citizenship, the Jordanian Nationality Act No. 6 of 1954 regulates and governs the subject as far as foreigners are concerned. The provisions for the granting of nationality to an Arab citizen, or, in other words, any person who holds the nationality of a State of the League of Arab States, are governed by article 4, which provides that any Arab who has normally been resident in Jordan for a period of not less than 15 consecutive years is entitled to be granted Jordanian nationality, by decision of the Council of Ministers based on a recommendation by the Minister of the Interior, if he renounces his original nationality in a written declaration, provided that such is permitted under the laws of his country and on condition that: he is of good conduct and repute; has not been convicted of an offence prejudicial to honour or morality; has a legitimate means of livelihood; is of sound mind and unafflicted with any disability that would make him a burden on society; and that he takes the oath of loyalty and

allegiance to His Majesty the King before a justice of the peace. Article 8 regulates the terms for the granting of nationality to a foreign woman who marries a Jordanian; it stipulates that a foreign woman who marries a Jordanian may be granted Jordanian nationality, subject to approval by the Minister of the Interior, if she applies for it in writing, after three years of marriage if she holds an Arab nationality or after five years of marriage if she holds the nationality of a non-Arab State. (It should be pointed out that a foreign man who marries a Jordanian woman does not consequently acquire Jordanian nationality.) Article 12 regulates the provisions for the granting of nationality to non-Jordanians who do not hold the nationality of a State of the League of Arab States; it stipulates that any non-Jordanian enjoying legal capacity may apply to the Council of Ministers for a Jordanian naturalization certificate, provided that: he has been normally resident in Jordan for four years prior to the date of application; has not been convicted of an offence prejudicial to honour or morality; intends to reside in Jordan; is able to read and write Arabic; is of good conduct and repute; is of sound mind and unafflicted with any disability that would make him a burden on society; and has a legitimate means of livelihood in an occupation where the number of Jordanians is such that he is not in competition with them. It is worth pointing out that, pursuant to article 13, paragraph 1, of the same Act, the Council of Ministers may prevent or refuse an application for naturalization submitted to it under the provisions of article 12. A person who acquires Jordanian nationality by naturalization is considered a Jordanian in all respects under the provisions of article 14. A naturalized Jordanian therefore enjoys all rights and privileges granted to Jordanians in general, which entitles him to correct errors appearing in his name in accordance with articles 32 to 35 of the Personal Status Act No. 9 of 2001 concerning the correction of entries in the personal status records. Article 32 (a) of the Act provides that all corrections of personal status entries listed in the vital statistics register or the civil status register are to be made pursuant to a decision of the competent court (the magistrate's court). Articles 49 to 53 prescribe the penalties to be imposed in the event that the provisions of the Act are contravened, as in the case of such acts as deliberate tampering with the civil register or the vital statistics register, or the submission of false information. It should be stressed that, under the Act, it is only errors in the civil status register (such as errors of name) that may be corrected. It is not permitted to make any change that would be deemed as tampering, as the civil status register would then be subject to arbitrary whim and the uniformity of entries and documents would be badly affected (Court of Cassation Decision No. 495/2000 of 4 April 2000 and Court of Cassation Decision No. 3043 of 26 January 2000).

1.14/ 1.15 In regard to border control, under article 171 (a) of the Customs Act, customs officials are vested with the capacity and power of justice officers within the limits of their jurisdiction for the purpose of investigating and combating smuggling, whether of persons or of items which it is forbidden to bring into the territory of the Kingdom. The task of border control is performed by a specialized department, known as the Border and Alien Affairs Bureau, which falls under the Directorate of General Security and ensures protection of the Kingdom's maritime and land borders by means of border posts and mobile patrols, in addition to air control of the borders by means of helicopters. With a view to achieving efficient border control in order to prevent the movement of terrorists or terrorist groups, Jordan has a unified computer database installed at every entry and exit point. Traveller data are therefore computer-recorded immediately upon entry or exit and include information of a "watch-list" nature, such as name, father's name, grandfather's name, family name, occupation, religion, sex, place of residence, number of passport or, where this is not

possible, number of travel document. It should be pointed out that the names on the unified list have been incorporated in the "wanted lists" in the computer database.

The competent security agencies impose strict security measures and border control operations at most of the Kingdom's border posts; checks are carried out to ascertain that documents used are genuine and not forged, in addition to which procedures for the detection of suspicious goods, including transit goods, are in place. Sophisticated modern technical equipment designed to detect forged documents and banknotes has been installed at the majority of border posts in the Kingdom, including Queen Alia International Airport (the Kingdom's main airport). The technical and information aspects of any document can now therefore be checked by technically trained and qualified security staff. Advanced X-ray scanning equipment was also installed some three years ago at a number of the Kingdom's main border posts, such as Karamah, Jabir and Aqabah, for the purpose of inspecting lorries and vehicles. Such equipment, which will be supplied to all remaining border posts in the near future, employs two kinds of rays, namely X-rays and gamma rays, and seeks such contraband items as arms, bombs, explosives and narcotic drugs. All border posts, including airports, have modern field equipment that initially detects the presence of explosives and narcotics in suspected samples singled out by security staff who are technically trained for the task.

1.16/ 1.17 With reference to the Committee's question concerning national identity papers, under article 38 (a) of the Personal Status Act, every Jordanian over 16 years of age is required to obtain a personal identity card from one of the relevant offices. A personal identity card may be issued to a person under 16 years of age with the consent of a guardian. Under article 38 (c), any person who acquires Jordanian nationality may submit information to be recorded in the civil register. Article 39 stipulates that a personal identity card shall be deemed proof of identity, as well as proof that the information which it contains is genuine. Its use may not be prevented by governmental or other authorities. The director-general of the Civil Status and Passports Bureau issues a decision specifying the form and content of the personal identity card and the information to be recorded on it, using a dedicated computerized system. In short, such information comprises national number, name, father's name, grandfather's name, family name, mother's name, place and date of birth, religion and sex. As for travel documents, article 4 (a) of the Passports Act No. 5 of 2003 provides that no Jordanian may leave or return to the Kingdom using a passport issued other than in accordance with the provisions of the Act, except in exceptional cases and by decision of the Minister of the Interior (subparagraph (b)). In accordance with the provision of article 4 (a) of the Residence and Alien Affairs Act No. 24 of 1973, a foreigner may enter or leave the Kingdom if he is in possession of a valid passport or travel document issued by his country and recognized by the Government of the Kingdom, as well as an entry-and-exit visa, or if he has a travel document issued by the Government of the Kingdom owing to the fact that he was in the Kingdom without a passport or travel document issued by a particular government.

1.18 With reference to the international conventions and protocols relating to terrorism, the Government of the Hashemite Kingdom of Jordan has ratified the following international conventions and protocols:

1. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;

2. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;

3. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

4. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

5. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988;

6. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly on 9 December 1999;

7. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal in March 1991;

8. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;

9. International Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, signed in Montreal on 10 March 1988 (the Government of the Hashemite Kingdom of Jordan deposited the instruments of ratification of the Convention on 2 July 2004);

10. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, signed at Rome on 10 March 1988 (the Government of the Hashemite Kingdom of Jordan deposited the instruments of ratification of the Protocol on 2 July 2004).

In regard to the Committee's question concerning the implementation in Jordanian domestic law of the conventions and protocols ratified by the Government of the Hashemite Kingdom of Jordan, the provisions of such conventions and protocols become an integral part of Jordanian domestic legislation by virtue of their ratification. Moreover, one of the established legal principles of jurisprudence and justice is that international conventions rank above domestic laws and take precedence in application where they conflict, so that no domestic law can be invoked in the face of an international convention (Court of Cassation Decision No. 847/2001 of 8 July 2001 and Court of Cassation Decision No. 818/2003 of 9 June 2003). On that basis, there is no need or requirement for the amendment of any Jordanian laws or for the promulgation of special laws for the purpose of applying the provisions set forth in those conventions and protocols, other than to the extent necessary, inasmuch as, this being the case, those provisions are deemed to be excluded from any provisions contained in Jordanian laws in force that may conflict with them. Here, it is worth remarking that a close inspection of the provisions of those conventions and protocols clearly shows that they are not prejudicial to the national security and sovereignty of the Jordanian State and in no way constitute any type of conflict with our domestic laws. On the contrary, they strengthen those laws, taking into account the fact that terrorism is a serious crime for which deterrent punishments are imposed under the Jordanian Penal Code.

In regard to the Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980, the Jordanian Government is currently considering the possibility of acceding to it. A proposal has been made to amend the Jordanian Nuclear Power and Radiation Protection Act No. 29 of 2001 by adding an article listing the offences provided for in the Convention and the penalties to be imposed for the perpetration of any such act. The provisions governing terrorism in the Jordanian Penal Code do not cover terrorist acts carried out using nuclear materials. Provision for these and for the penalties to be imposed in the event of their perpetration must therefore be made and explicitly so, leaving no room for interpretation. The proposed draft amendment has been referred to the Legislation Bureau of the Office of the Prime Minister (which, as mentioned earlier, is the authority competent to consider draft laws), which, together with the director-general of the Jordanian Nuclear Energy Commission and the other concerned Jordanian authorities, is now actively studying the proposal. In regard to the International Convention for the Suppression of Terrorist Bombings, signed at New York on 15 December 1997, the Jordanian Government is at the present time considering the possibility of acceding to it.

Effectiveness of counter-terrorism machinery

1.19/ 1.20 In regard to the Committee's request for information concerning the use of special investigative techniques in the fight against terrorism and on the number of persons prosecuted and convicted for terrorist activities and for recruitment for and support to terrorist organizations, the intelligence services in Jordan pursue a particular method in investigating cases relating to terrorist activities; initially, a plan is elaborated concerning the mechanism to be used with the person wanted for interrogation. More than one method is inevitably employed during the same investigative operation, taking into account the nature of the person being questioned and his cooperation during the investigative process. These methods typically include, *inter alia*: using a sympathetic approach and persuasion; exploiting emotional cracks and weak points discovered in the person being interrogated; instilling doubts about the organization, its elements and its leaderships; using a number of investigators in order to brainstorm ideas, provided that a chief investigator remains present; using confrontation with others as part of a premeditated plan; repeating questions in order to identify conflicting information and gaps; focusing on weak links in the elements of the organization; justifying actions; and remembering that every human being can make mistakes.

The investigator must have certain qualities that enable him to conduct thorough questioning in order to gain the upper hand with the person under interrogation with the aim of achieving the desired end. Such qualities include: the ability to make a psychological analysis of character patterns and traits (rationality, emotivity, excitability, introversion); a broad education; a knowledge of the traditions and customs prevailing in different communities and towns; a knowledge of the geography and topography of various locations; a knowledge of inter-country relations and the nature of those relations; a knowledge of the thinking, philosophy and modus operandi of the organization, as well as the systematic methods and attitudes of its elements; patience; endurance; perseverance with the investigation process; physical agility; strength of character; calm; a knowledge of the names of the leaderships and elements of the organization; and a knowledge of the structure and background of the organization. A number of considerations must be taken into account during the interrogation process. For example, no investigator should interfere in an interrogation that

is under way, unless by prior agreement of the investigators. In addition, the person under interrogation should never be fully trusted and should always be made to feel that he is still concealing information and has failed to provide all details. Lastly, the character and appearance of the person under interrogation should not be insulted.

As for the reply to question 1.20, there are currently no terrorist elements in Jordan; they have either fled abroad or are serving their terms of sentence in correction and rehabilitation centres.

Controls on preventing access to weapons by terrorists

1.21 Concerning the Committee's questions on effective control over firearms, ammunition and explosives, in regard to production, article 7 of the Firearms and Ammunition Act No. 34 of 1952 prohibits any person from manufacturing firearms or ammunition in the Kingdom except by licence from the Council of Ministers. The same applies to export; article 9 of the same Act prohibits the export of arms from the Kingdom. Under article 8, it is not permitted to import, export or trade in arms or ammunition within the Kingdom without licence from the Minister of the Interior or such person as he may delegate. In regard to the control of explosives, article 3, paragraph 1, of the Explosives Act No. 13 of 1953 prohibits the import, transfer, manufacture, procurement, sale or disposal of any explosive material by any means unless a licence is obtained from the licensing authority (the Minister of Defence). Under paragraph 2 of the same article, moreover, the licensing authority is required to obtain the consent of the Council of Ministers in order to grant a licence for the manufacture of explosives. The licensing authority may make the grant of licence dependent on any condition that it deems proper or it may revoke or amend the licence at any time. In regard to measures for the customs control of arms, ammunition and explosives, on the basis of the provisions of the Customs Act and the regulations and directives issued accordingly, such materials are considered to be among those specifically prohibited (in other words, goods designated as subject to customs control by a decision of the Minister of Finance published in the Official Gazette). The Minister of Finance has issued a decision in which such materials are deemed to be specifically prohibited. As for customs control in the sense of risk management, all types of arms, ammunition and explosives are subject to inspection in the red channel. They are also subject to control under the computerized selection criteria for the examination of any such incoming shipments by the competent customs authorities, which includes ascertaining that the required approvals have been obtained from the competent authorities. In this context, it is worth pointing out that article 91 (a) of the Customs Act, which deals specifically with the matter of transit goods, provides that: "Goods of foreign origin may be transported under transit status by entering one border in order to exit from another border. Such status expires on presentation of copies of the manifests from the first customs post in the neighbouring country or of a certificate of arrival from the country of destination or in accordance with any other method accepted by the Department." The rule is that transit goods are not subject to inspection. Instead, the documents pertaining to such goods are checked for conformity at both entry and exit points and in order to ascertain that the quantity of goods is not greater or less than stated.

In regard to measures to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked firearms, such acts are prevented under the terms of articles 3 to 5 of the Firearms and Munitions Regulation No. 75 of 2000, pursuant to which the Ministry of the Interior is authorized to issue a licence for the manufacture of weapons in

accordance with such conditions as he deems fit. He is further authorized to refuse to grant such licence or may withdraw a licence already granted, without stating reasons. As for measures to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked explosives, such acts are prevented under the terms of article 3 of the Explosives Act, pursuant to which it is necessary to obtain a licence from the licensing authority in order to import, transfer, manufacture, procure, sell or in any way dispose of an explosive substance. Moreover, the approval of the Council of Ministers must be obtained before a manufacturing licence is granted per se, in addition to which the licensing authority may grant the licence on such conditions as it deems proper or may revoke or amend such licence at any time.

1.22 It is worth pointing out that the conditions that an individual has to meet in order to be legally entitled to purchase a firearm are those contained in the Firearms and Ammunition Act, the Firearms and Ammunition Regulation and the directive, issued in 1997, on procedures for obtaining a licence to acquire a firearm. These conditions are, firstly, that prior licence must be obtained from the Minister of the Interior or such person as he may delegate before the firearm is purchased. The licence may be used only by the person in whose name it is issued and it expires on his death. No licence is given to anyone convicted of a felony or to anyone under 21 years of age. The licence holder is forbidden to carry the firearm during official ceremonies, public celebrations, conferences, symposia, wedding or funeral processions, sports competitions, graduation ceremonies in schools, institutes or universities or any other festive events or meetings at which more than 10 people are gathered. The Minister of the Interior may include in the licence such conditions as he deems fit and he may refuse to grant a licence or may withdraw a licence already granted, without stating reasons. The firearm licence expires at the end of each year and is renewable annually. The application for a firearm licence must be accompanied by a police clearance certificate of no convictions and a birth certificate, both of which must be issued by the competent official authorities. The application is transmitted to the security authorities (general intelligence, investigations, criminal research and preventive security at the Directorate of General Security) for a statement as to whether there are any security objections or whether the applicant has any previous convictions. The applicant is also fingerprinted by those authorities and, in the light of their response, the licence is either granted or refused by the Minister of the Interior, who may also withdraw a licence already granted without giving any justification. The process of monitoring licences for the purpose of preventing terrorists or terrorist groups from acquiring weapons is thus strengthened.

Neither the Firearms and Ammunition Act nor the Firearms and Ammunition Regulation place restrictions on the number of weapons which may be licensed for each individual, meaning that relative lenience is shown in the matter, which is at the discretion of the Minister of the Interior or such person as he may delegate. In regard to the transfer of licences, it should be pointed out that a firearm licence is personal and may be used only by the individual in whose name it is issued. If that natural person dies or if the body corporate in whose name the licence was issued is wound up, the licence legally expires. In the event of the death of a natural person, the heirs must amend their status or their trustee must do so, in accordance with the provisions of the law, within three months of the date of death. As for bodies corporate, the general rules for corporations and companies apply (article 6 (a) of the Firearms and Ammunition Act). As for the period of validity of a firearm licence, articles 6 (a) and (b) of the Firearms and Ammunition Regulation provide that a licence to carry or manufacture firearms is valid for one year, expiring on the thirty-first day of

December in the year in which it is issued and renewable annually. Licences to procure firearms may be obtained only once.

In conclusion, the Government of the Hashemite Kingdom of Jordan wishes to reaffirm its desire to take all necessary measures aimed at strengthening the international efforts to combat all forms of terrorism. It also wishes to reaffirm its appreciation for the constructive efforts of the Chairman and members of the Committee, as well as its full readiness to provide assistance to the Committee and to other States with a view to achieving a radical solution to the phenomenon of terrorism, which is now a global trend that cannot be ignored.